



General Assembly

February Session, 2022

Raised Bill No. 462

LCO No. 3624



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING ASSAULT OF A PUBLIC TRANSIT
EMPLOYEE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) A person is guilty of assault of public safety, emergency medical
4 [public transit] or health care personnel when, with intent to prevent a
5 reasonably identifiable peace officer, special policeman appointed
6 under section 29-18b, firefighter or employee of an emergency medical
7 service organization, as defined in section 53a-3, emergency room
8 physician or nurse, health care employee as defined in section 19a-490q,
9 employee of the Department of Correction, member or employee of the
10 Board of Pardons and Paroles, probation officer, employee of the
11 Judicial Branch assigned to provide pretrial secure detention and
12 programming services to juveniles accused of the commission of a
13 delinquent act, liquor control agent, state or municipal animal control
14 officer, security officer, employee of the Department of Children and
15 Families assigned to provide direct services to children and youths in

16 the care or custody of the department, employee of a municipal police
17 department assigned to provide security at the police department's
18 lockup and holding facility [L] or active individual member of a
19 volunteer canine search and rescue team, as defined in section 5-249, [or
20 public transit employee] from performing his or her duties, and while
21 such peace officer, special policeman, firefighter, employee, physician,
22 nurse, health care employee, member, liquor control agent, animal
23 control officer, security officer, probation officer or active individual
24 member is acting in the performance of his or her duties, (1) such person
25 causes physical injury to such peace officer, special policeman,
26 firefighter, employee, physician, nurse, member, liquor control agent,
27 animal control officer, security officer, probation officer or active
28 individual member, or (2) such person throws or hurls, or causes to be
29 thrown or hurled, any rock, bottle, can or other article, object or missile
30 of any kind capable of causing physical harm, damage or injury, at such
31 peace officer, special policeman, firefighter, employee, physician, nurse,
32 member, liquor control agent, animal control officer, security officer,
33 probation officer or active individual member, or (3) such person uses
34 or causes to be used any mace, tear gas or any like or similar deleterious
35 agent against such peace officer, special policeman, firefighter,
36 employee, physician, nurse, member, liquor control agent, animal
37 control officer, security officer, probation officer or active individual
38 member, or (4) such person throws or hurls, or causes to be thrown or
39 hurled, any paint, dye or other like or similar staining, discoloring or
40 coloring agent or any type of offensive or noxious liquid, agent or
41 substance at such peace officer, special policeman, firefighter, employee,
42 physician, nurse, member, liquor control agent, animal control officer,
43 security officer, probation officer or active individual member, or (5)
44 such person throws or hurls, or causes to be thrown or hurled, any
45 bodily fluid including, but not limited to, urine, feces, blood or saliva at
46 such peace officer, special policeman, firefighter, employee, physician,
47 nurse, member, liquor control agent, animal control officer, security
48 officer, probation officer or active individual member. For [the]
49 purposes of this section, ["public transit employee" means a person
50 employed by the state, a political subdivision of the state, a transit

51 district formed under chapter 103a or a person with whom the
52 Commissioner of Transportation has contracted in accordance with
53 section 13b-34 to provide transportation services who operates a vehicle
54 or vessel providing public ferry service or fixed route bus service or
55 performs duties directly related to the operation of such vehicle or
56 vessel, or who, as part of the provision of public rail service, is a train
57 operator, conductor, inspector, signal person or station agent and]
58 "security officer" has the same meaning as provided in section 29-152u.

59 (b) Assault of public safety, emergency medical, [public transit] or
60 health care personnel is a class C felony. If any person who is confined
61 in an institution or facility of the Department of Correction is sentenced
62 to a term of imprisonment for assault of an employee of the Department
63 of Correction under this section, such term shall run consecutively to the
64 term for which the person was serving at the time of the assault.

65 (c) In any prosecution under this section involving assault of a health
66 care employee, as defined in section 19a-490q, it shall be an affirmative
67 defense that the defendant is a person with a disability as described in
68 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
69 conduct was a clear and direct manifestation of the disability, except
70 that for the purposes of this subsection, "mental disability", as defined
71 in subdivision (20) of section 46a-51, does not include any abnormality
72 manifested only by repeated criminal or antisocial conduct.

73 Sec. 2. Section 53a-167e of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2022*):

75 (a) A person is guilty of [aggravated] assault of a public transit
76 employee when such person [(1) commits assault of a person who is a
77 public transit employee, as provided in section 53a-167c, and (2) in the
78 commission of such offense] with intent to prevent a reasonably
79 identifiable public transit employee from performing such employee's
80 duties, and while such employee is acting in the performance of the
81 employees duties, (1) causes physical injury to a public transit
82 employee, (2) throws or hurls, or causes to be thrown or hurled, any
83 rock, bottle, can or other article, object or missile of any kind capable of

84 causing physical harm, damage or injury, at a public transit employee,
85 (3) uses or causes to be used any mace, tear gas or any like or similar
86 deleterious agent against a public transit employee, (4) such person
87 throws or hurls, or causes to be thrown or hurled, any paint, dye or other
88 like or similar staining, discoloring or coloring agent or any type of
89 offensive or noxious liquid, agent or substance at a public transit
90 employee, (5) throws or hurls, or causes to be thrown or hurled, any
91 bodily fluid including, but not limited to, urine, feces, blood or saliva at
92 a public transit employee, or (6) in the commission of the offense, uses
93 or is armed with and threatens the use of, or displays or represents by
94 such person's words or conduct, that such person possesses a knife or
95 box-cutter, or a pistol, revolver, shotgun, rifle, machine gun or other
96 firearm. For purposes of this section, "public transit employee" means a
97 person employed by the state, a political subdivision of the state, a
98 transit district formed under chapter 103a or a person with whom the
99 Commissioner of Transportation has contracted in accordance with
100 section 13b-34 to provide transportation services who operates a vehicle
101 or vessel providing public ferry service or fixed route bus service or
102 performs duties directly related to the operation of such vehicle or
103 vessel, or who, as part of the provision of public rail service, is a train
104 operator, conductor, inspector, signal person or station agent.

105 (b) [Aggravated assault] Assault of a public transit employee is a class
106 C felony, except that such person shall be fined not more than twenty
107 thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	53a-167c
Sec. 2	<i>October 1, 2022</i>	53a-167e

Statement of Purpose:

To consolidate statutory provisions relating to the assault of a public transit employee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]